

APPROVAL OF CONSENT AGENDA

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Marcie O. Nolan, Acting Development Services Director/(954)
797-1101

PREPARED BY: Lise Bazinet, Planner II

SUBJECT: Plat Application, Resolution: P 2-2-06, Brierwood Estates/1385
SW 131 Terrace

AFFECTED DISTRICT: District 3

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "BRIERWOOD ESTATES" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 2-2-06, Brierwood Estates, 1385 SW 131 Terrace) (tabled from May 21, 2008)

REPORT IN BRIEF: The petitioner requests approval of the plat known as the "Brierwood Estates." The subject site consists of 13.24 net acres (576,734 sq. ft.). This plat is restricted to 38 single-family detached units. The proposed plat provides access onto the subject site off SW 130th Avenue through two 40ft. vehicular access openings. A vehicular access opening at SW 13th Place will only serve as access for Emergency Vehicles.

Staff finds that the proposed "Brierwood Estates" plat is in accordance with the Comprehensive Plan and Land Development Code as it relates to access, location, and size. The proposed plat can be considered compatible with the adjacent uses.

On June 4, 2008 the petitioner informed staff this item is scheduled for review in front of Central Broward Water Control District on June 11, 2008.

PREVIOUS ACTIONS: At the May 7, 2008 Town Council meeting, this item was tabled to the May 21, 2008 Town Council meeting. **(Motion carried 5-0)**

At the May 21, 2008 Town Council meeting, this item was tabled to the June 18, 2008 Town Council Meeting. (**Motion carried 4-0 Councilmember Crowley was absent**)

CONCURRENCES: At the April 9, 2008 Planning & Zoning meeting, Vice-Chair Stevens made a motion, seconded by Ms. Turin, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Stevens – yes; Mr. Busey – no; Mr. Pignato – absent; Ms. Turin – yes. (**Motion carried 3-1**)

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Staff finds the application complete and suitable for transmittal to the Town Council for further consideration.

Attachment(s): Resolution, Planning Report, Plat

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "BRIERWOOD ESTATES" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the proposed plat to be known as the "Brierwood Estates" was considered by the Town of Davie Planning and Zoning Board on April 9, 2008;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The plat known as the "Brierwood Estates" is hereby approved subject to the conditions stated on the planning report which is attached hereto as Exhibit "A" and made a part hereof.

SECTION 2. The Mayor is authorized to sign said plat on behalf of the Town and the Town Clerk is directed to affix the Town seal to said plat.

SECTION 3. Any improvements required to satisfy Transit Concurrency should be located within the Town of Davie.

SECTION 4. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2008.

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2008.

Exhibit “A”

Application: P 2-2-06/06-22/Brierwood Estates

Original Report Date: 3/14/08

Revision(s): 4/10/08

TOWN OF DAVIE

Development Services Department

Planning & Zoning Division

Staff Report and Recommendation

Applicant Information

Owner:

Name: Brierwood Estates, LLC
Address: 11441 Interchange Circle South
City: Miramar, Florida 33025
Phone: (954) 889-0421

Petitioner:

Name: Pulice Land Surveyors, Inc.
Address: 5381 Nob Hill Road
City: Sunrise, Florida 33351
Phone: (954) 572-1777

Background Information

Application Request: Approval of the plat known as the “Brierwood Estates”

Address: 1385 SW 131st Terrace

Location: Generally located on the northwest corner of SW 130th Avenue and Southwest 14th Street

Future Land Use Plan Map: Residential 5 DU/Acre

Existing Zoning(s): A-1, Agricultural District

Proposed Zoning(s): R-5, Low Medium Density Dwelling District

Existing Use(s): Residential (single-family home)

Parcel Size: 13.24 net acres (576,734 sq. ft.)

Proposed Use(s): 38 single-family homes

Proposed Density: 2.8 DU/Acre

Surrounding Use(s):

Use Plan Map
Designation(s):

North:	Residential / Elementary School	Residential	5
DU/Acre			
South:	Residential Development	Residential	1
DU/Acre			
East:	Residential Development	Residential	3
DU/Acre			
West:	Elementary School	Residential	5
DU/Acre			

Surrounding Zoning(s):

North: CF, Community Facility/ A-1, Agricultural District
South: R-1, Low Density Dwelling District
East: PRD-5, Planned Residential Development
West: CF, Community Facility

Zoning History

Related zoning history:

Records indicate that the existing Future Land Use Plan Map designation and Zoning classification were in place at the time of annexation.

Previous requests on same property:

On May 3, 2006 Town Council approved Rezoning Application (ZB 8-2-04 Lorson Estates) to Rezone the approximately 4.37 acre subject site from A-1, Agricultural District to R-5, Low Medium Density Dwelling District for the south portion of the subject property.

On May 3, 2006 Town Council approved Plat Application (P 8-3-04 Lorson Estates), this plat application is for eleven (11) lot specific parcels for the south portion of the subject property.

On May 3, 2006 Town Council approved Site Plan Application (SP 8-12-04 Lorson Estates), this site plan approval for an eleven (11) single-family home development.

Concurrent Request(s) on same property:

Rezoning Application (ZB 12-2-05), the petitioner requests approval to rezone the subject property from A-1, Agricultural District to R-5, Low Medium Density Dwelling District.

Master Site Plan Application (MSP 12-8-05), the petitioner requests approval site plan approval for 38 single-family homes.

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Article XII Subdivisions and Site Plans.

Land Development Code (Section 12-360(B)(1)) platting requirements.

Land Development Code (Section 12-366.1 (A) thru (D)) submission requirements for plats.

Land Development Code, Article XII of the Land Development Code, Subdivisions and Site Plans.

Land Development Code (Section 12-24 (I)(4)), the R-5, Low Medium Density Dwelling District is intended to implement the five (5) dwelling units per acre residential classification of the Town of Davie Future land Use Plan and the residential classification of the Town of Davie Comprehensive Plan by providing for low-medium density single-family dwelling district.

Land Development Code (Section 12-81A), Conventional Single-Family Development Standards for R-5, Low Medium Density Dwelling District, minimum lot area 7,000 sq. ft., minimum lot frontage 75 feet, maximum height is 35 feet, maximum building ratio is 40%, minimum front setback 25 feet, side setback 10 feet, and rear setback 15 feet.

Comprehensive Plan Considerations

Planning Area:

The subject property falls within Planning Area 3. This Planning Area is bound by I-595 on the north side, I-75 on the west side, SW 14 Street on the south side and Flamingo Road on the east side. The planning area consists of residential uses developed at a density of 3 to 10 dwellings per acre, including the Shenandoah development, occupying the western half of the planning area, and several mobile home subdivisions.

Broward County Land Use Plan:

The subject site falls within Flexibility Zone 113.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Policy 5-2: The (re)zoning, (re)plating, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Use portion of the Implementation Section.

Future Land Use Plan, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Future Land Use Plan, Policy 17-7: Adopted land development regulations shall continue to set forth setbacks or separation regulations, landscaping requirements, and minimum open space criteria to enhance living and working environments.

Application Details

The applicant's SUBMISSION indicates the following:

1. *Site:* The subject site consists of 13.24 net acres (576,734 sq. ft.)
2. *Restrictive Note:* This plat is restricted to 38 single-family detached units.
3. *Access:* The proposed plat provides access onto the subject site off SW 130th Avenue through two 40ft. vehicular access openings. A vehicular access opening at SW 13th Place will only serve as emergency access for public safety needs.
4. *Trails:* Oak Hill Park Trail is located along SW 130th Avenue and SW 14th Street adjacent to the subject site. The trail will allow pedestrians and equestrians to access numerous Davie parks and other trails.
5. *Easements and Reservation:* The following easements are proposed by this plat:
 - a. Twenty foot lake maintenance easement at Parcel "A"
 - b. Twelve foot utility easement at Parcel "C"
 - c. Fifteen foot Right-of-way easement at east boundary line.
 - d. Fifteen to ten foot utility easement around all lots.

- e. Twenty foot drainage easement between retention areas (Parcels “A and “C”)
 6. *Vacations and Dedications:* The following dedications for internal and external roads are proposed by this plat:
 - a. Twenty foot right-of-way dedication along the SW 130th Avenue (external road).
 - b. Forty-seven foot right-of-way dedication along SW 14th Street (external road).
 - c. Forty foot right of way dedication along SW 132nd Way (internal road).
 - d. Forty foot dedication along SW 13th Street (internal road).
 - e. Forty foot dedication along 131st Terrace (internal road).
 - f. Forty foot dedication along SW 13th Place (internal road).
 7. *Drainage:* Approval from Central Broward Drainage District shall be obtained prior to final Planning and Zoning Divisions signing off of site plans and the issuance of any site development permit. In attempts to meet drainage requirements, the petitioner has proposed a lake at the southwest portion of the subject site.
 8. *Local Concurrency:* As required in the Land Development Code, Section 12-323, Adopted Level of Services, building permits shall not be obtained unless there is sufficient available capacity to sustain the level of service for Potable Water, Sanitary Sewer, Transportation, Drainage System, Solid Waste, Recreation, schools, Police, and Fire, and Schools. The petitioner has agreed to provide drainage improvements for SW 130th Avenue, as indicated on the plat.
 9. *Compatibility:* The proposed plat can be considered compatible with the uses and properties located along SW 130th Avenue. The proposed plat is consistent with the Land Development Code as it relates to access, location, size, and use.
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Significant Development Review Committee (DRC) Comments

These following comments represent significant comments made by the Development Review Committee as part of the review process. All comments have been addressed unless otherwise indicated.

Engineering Division:

1. Provide 25 foot road right-of-way along west boundary line to extend SW 133rd Avenue for future connection to SW 14th Street.
2. Provide road and drainage improvements for SW 130th Avenue. Road improvements shall include but is not limited to re-construction of the road to meet the Town of Davie engineering standards.

Planning & Zoning Division:

3. Location map on sheet 1 does not reflect shape of property.
4. Restriction is incorrect, still shows 26 single-family detached units instead of the 38 proposed.

5. Need to provide turn around area for service tracks at Road facing SW 14th Street.
 6. 40 foot right of way is insufficient. Applicant must provide Engineering Department approval for the reduction on right-of-way.
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Staff Analysis

The proposed “Brierwood Estates” plat will accommodate a single-family residential development. The residential development will be compatible with both the Comprehensive Plan and Future Land Use Plan Map designation of Residential 5 DU/Acre.

Staff Findings of Fact

Staff finds that the proposed “Brierwood Estates” plat is in accordance with the Comprehensive Plan and Land Development Code as it relates to access, location, and size. The proposed plat can be considered compatible with adjacent uses.

Staff Recommendation

Staff finds the application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

With the following conditions:

1. Shall be subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.
2. Provide the Planning and Zoning Division a Mylar copy of the plat upon recordation.

At the April 9, 2008 Planning & Zoning meeting, Vice-Chair Stevens made a motion, seconded by Ms. Turin, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Stevens – yes; Mr. Busey – no; Mr. Pignato – absent; Ms. Turin – yes. **(Motion carried 3-1)**

Town Council Action

At the May 7, 2008 Town Council meeting, this item was tabled to the May 21, 2008 Town Council meeting. **(Motion carried 5-0)**

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Exhibits

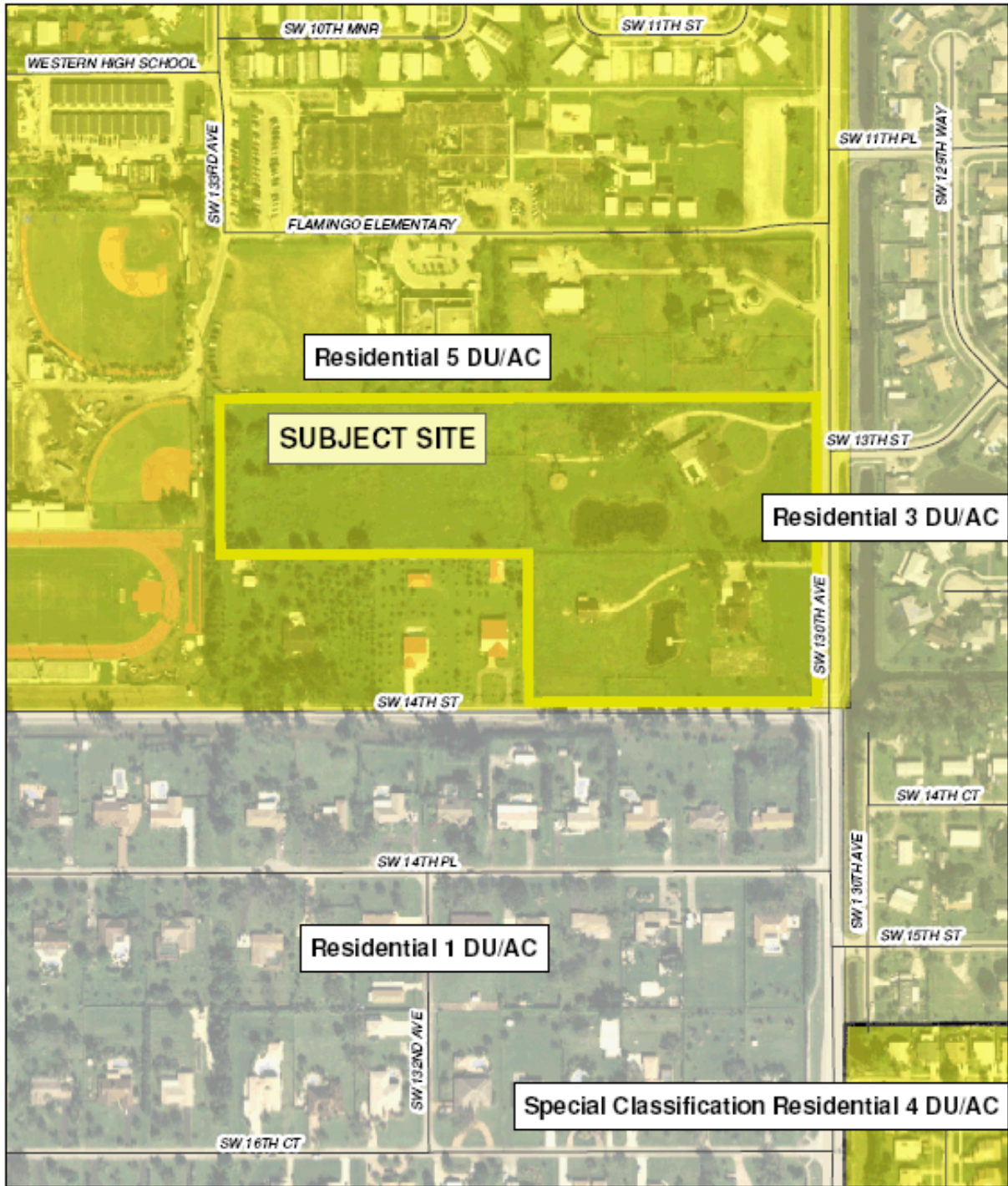
1. Future Land Use Plan Map
2. Zoning and Aerial Map

Prepared by: _____

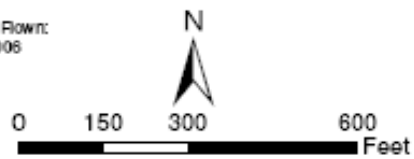
Reviewed by: _____

File Location: P&Z\Development Applications\Applications\P_Plat\P_06\P 2-2-06 Brierwood Estates

Exhibit 1 (Future Land Use Plan Map)



Date Flown:
12/2/06



Prepared by the Town of Davie GIS Division

Rezoning ZB 12-2-05 Future Land Use Map

Prepared by: ID
Date Prepared: 3/17/08

Exhibit 2 (Aerial, Zoning, and Subject Map)

